

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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UNITED STATES OF AMERICA,

ORDER

Plaintiff,

17-cv-546-bbc

v.

TOM'S AUTO CLINIC OF MADISON, INC.;  
MARY LYNN FRANZEN, individually and as  
the personal representative of the  
estate of Thomas J. Conkey; DANE  
COUNTY; and THE CITY OF MADISON,

Defendants.

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After defendant Mary Lynn Franzen advised the court that she had filed for bankruptcy, I dismissed her as a party to this lawsuit without prejudice, and asked the parties to advise the court whether the entire case should be dismissed or stayed pending the bankruptcy proceedings. Dkt. #9. In response, the government filed a motion to vacate the order of dismissal, explaining that (1) no part of its case for unpaid income and employment taxes and enforcement of federal tax liens against defendant Tom's Auto Clinic's property can proceed while the bankruptcy stay is in effect; (2) Franzen should remain in the case as a necessary party because the property is held in her name as an alter ego of Tom's Auto; and (3) the entire case should be stayed as a result of the bankruptcy action. Dkt. #10. Defendant City of Madison, which claims an interest in the property, does not oppose the

motion to vacate and stay the case in its entirety. Dkt. #11. In light of the government's explanation and hearing no opposition from any of the defendants, I will grant the government's motion and stay the case as to all defendants.

ORDER

IT IS ORDERED that plaintiff's motion to vacate the order of dismissal entered on October 12, 2017, dkt. #10, is GRANTED. Pursuant to 11 U.S.C. § 362, this case is automatically STAYED pending the completion of the bankruptcy proceedings in In Re: Marylynn Franzen, case no. 3-17-13382 (Bankr. W.D. filed Sept. 28, 2017).

Entered this 2d day of November, 2017.

BY THE COURT:

/s/

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BARBARA B. CRABB  
District Judge